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STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

October 14, 2010

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.: 10MD-155

Maui

Issuance of Revocable Permit to The State of Hawaii, Department of Land & Natural Resources, Division of Forestry & Wildlife, Olowalu, Lahaina, Maui, Tax Map Key: (2) 4-8-003:portion of 008

APPLICANT:

The State of Hawaii, Department of Land & Natural Resources, Division of Forestry & Wildlife.

LEGAL REFERENCE:

Sections 171-13 and -55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Olowalu situated at Lahaina, Maui, identified by Tax Map Key: (2) 4-8-003:008 Por. as shown on the attached map labeled Exhibit (A) and the GIS Overview labeled Exhibit (B).

The project will consist of three sites. Site #1 will be situated on parcel (2) 4-8-001:002 which is currently under the management and control of the Division of Forestry & Wildlife for West Maui Forest Reserve. Site numbers 2 and 3 will be located on parcel (2) 4-8-003:008, currently under the jurisdiction of the Department of Land Natural Resources, Land Division.

AREA:

Site #2 - 1.02 acres, more or less.
Site #3 - .08 acres, more or less.

ZONING:

State Land Use District: Agriculture
County of Maui CZO: Agriculture

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: YES ____
NO X

CURRENT USE STATUS:

Encumbrances on Parcel (2) 4-8-003:008

Non-Exclusive Grant of Easement 27700: Maui Electric Co. LTD. Electrical Easement
Non-Exclusive Grant of Easement 18671: Maui Electric Co. LTD. Electrical Easement
Non-Exclusive Grant of Easement 28518: Maui Electric Co. LTD. Utility Easement

CHARACTER OF USE:

Native Plant Species Restoration purposes.

COMMENCEMENT DATE:

The first day of the month to be determined by the Chairperson.

MONTHLY RENTAL:

Gratis

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the "Division of Forestry and Wildlife Environmental Impact Statement Exemption List", approved by the Environmental Council and dated June 12, 2008, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 2, Item No. 6 that states "Re-vegetate burned areas to encourage the succession of selected plant species to prevent soil erosion and promote the goals of the Division."

REMARKS:

The subject parcel was formerly encumbered by Revocable Permit No. S-6081 which included the use of 633.477 acres, to Pioneer Mill Company, Ltd. for sugar cane cultivation and pasture purposes. The permit was cancelled on October 8, 1999. Revocable Permit No. S-5199 which included the use of 0.699 acres, to Pioneer Mill Company, Ltd. for operation and maintenance of a water transportation system. The permit was terminated on September 30, 1999. Maui Electric Company Ltd. has several dispositions with the State for existing utility easements through portions of the subject parcel.

In May 2010 a fire burned approximately 1,100 acres of State land adjacent to Olowalu. A joint venture between the Division of Forestry & Wildlife and the Natural Resource Conservation Service will conduct an experiment in post fire native species restoration. Total budget \$2,950. The scope of work involves test areas on the west facing slopes above the community of Olowalu and south of Olawalu stream. Three sites ranging in elevations from 100 to 1050 feet each less than 1.5 acres will be established within the burn perimeter. Hoolehua Plant Material Center will provide native Hawaiian seed stock. In the fall/winter/spring of 2010/2011, DOFAW will conduct the aerial seeding methodology to mimic the preferred method on a large scale restoration project. Testing areas will be monitored for 3 to 5 years. Refer to Exhibit C. Due to the time frame for this experimental restoration project, a month-to-month tenancy is the more appropriate disposition in this case.

The proposed use is allowable in the agricultural zoning designation.

The applicant has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

No agency comments were solicited for this request.

Site #2 and #3 footprints for the plant restoration project will not be modified or changed in anyway. Staff does concur that the requested use will have no significant impacts, whether immediate or cumulative, to the natural, environmental and/or cultural resources in the area. As such, staff believes that the proposed use would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.

2. Authorize the issuance of a revocable permit to the State of Hawaii's Division of Forestry and Wildlife covering the subject area for native plant species restoration purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - a. The standard terms and conditions of the most current revocable permit form, as may be amended from time to time;
 - b. Review and approval by the Department of the Attorney General; and
 - c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Larry Pacheco
Land Agent

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson



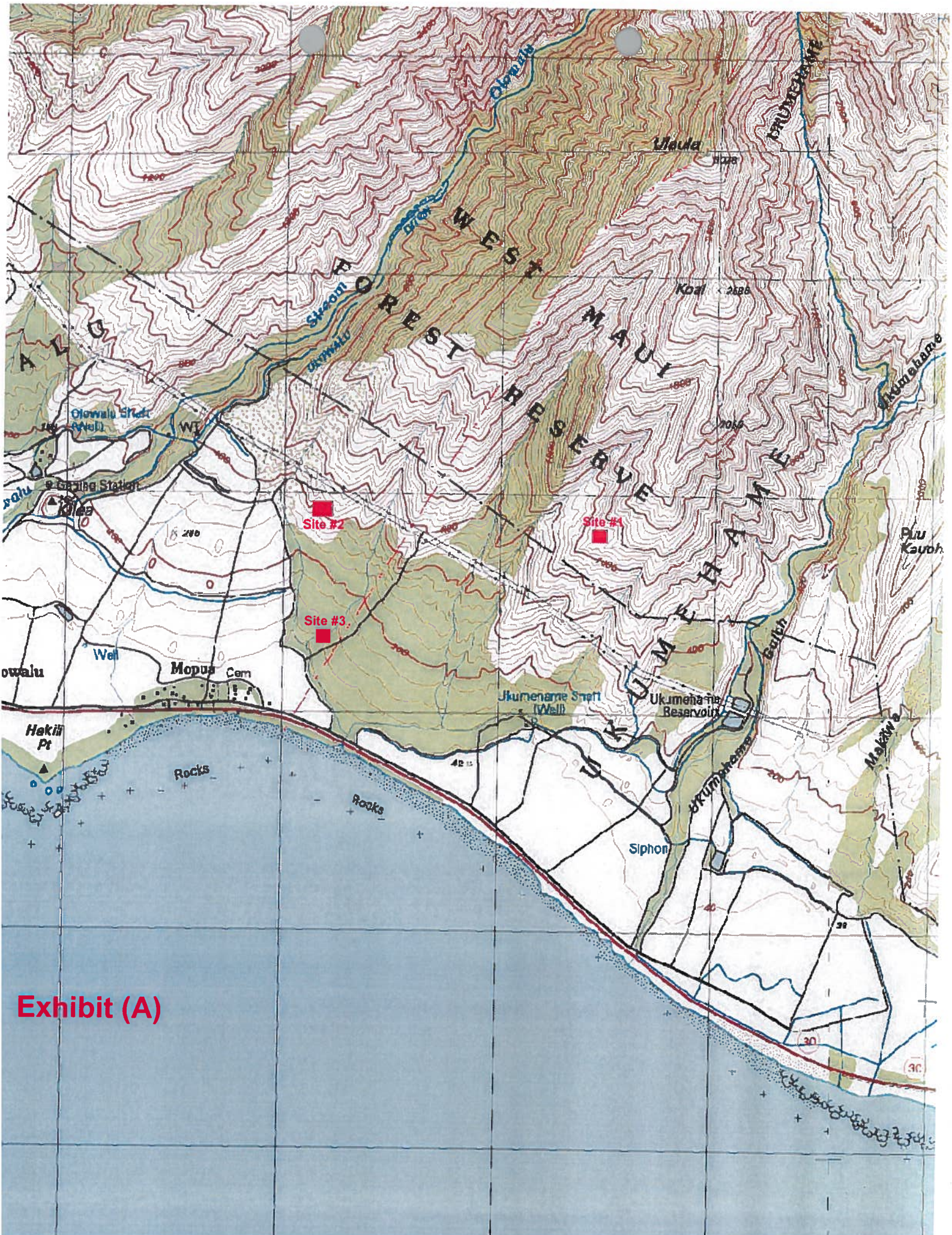
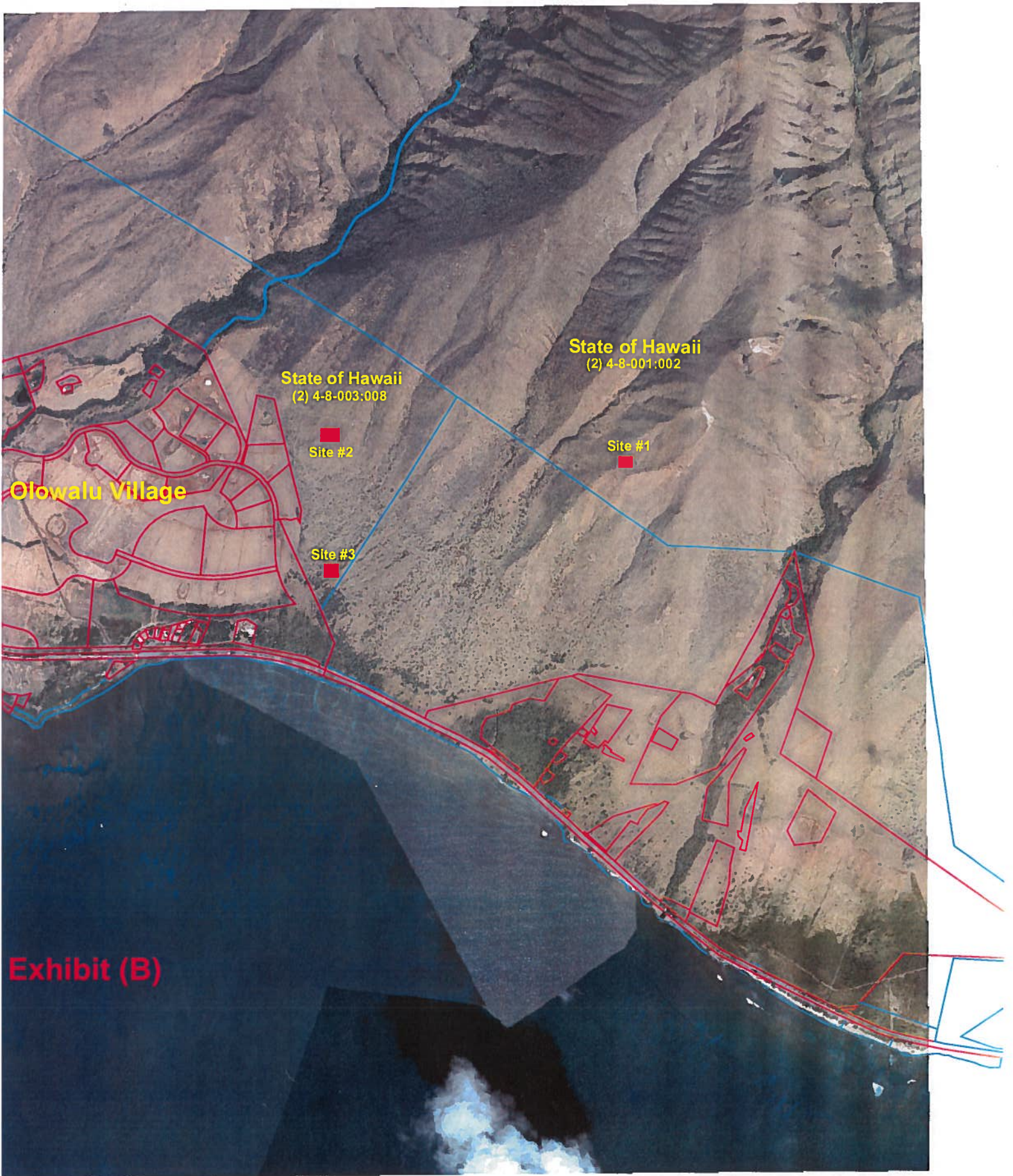


Exhibit (A)



Olowalu (Koai) Fire 5/10 Restoration Plan

I. Introduction

In May of 2010 a fire burned approximately 1100 acres of State Land adjacent of Olowalu, Maui. A joint venture between Division of Forestry and Wildlife (DOFAW) and Natural Resource Conservation Service (NRCS) will conduct an experiment in post fire native species restoration.

II. Scope of proposed Work

Test areas will be on the west facing slopes above the community of Olowalu and south of Olowalu stream. Three sites ranging in elevations from 100 to 1050 feet each less than 1.5 acres will be established within the burn perimeter. Hoolehua Plant Material Center (PMC) will provide native Hawaiian seed stock to the Maui District to use in aerial seeding for this experiment. In the fall/winter/spring of 2010/2011 DOFAW will aerial seed the sites with guidance from NRCS on field seeding protocols. Use of aerial seeding methodology is to mimic the preferred method on a large scale restoration project. Testing areas will be monitored for 3 to 5 years.

III. Organization duties

NRCS

1. The PMC will produce native seeds of kawelu, aweoweo, and pili grass hay bales for field trials.
2. A percentage of the seeds will be kept in storage at the PMC for DLNR post fire mitigation. (Amounts will vary between 5-10 %).
3. Logistics on pili grass hay bales transport will be discussed in detail as PMC will not be storing bales.
4. Harvest of seeds will be cumulative over a 3-5 year period.
5. One harvest for seeds per year.

6. PMC will ship pili grass bales and seeds to Maui.

DOFAW

1. Provide data on planting sites, plant evaluations and successes or Failures of native seed mitigation within burn areas.
2. Provide report and pictures to be included in PMC Annual Reports.
3. Allow for onsite visits by NRCS staff to view treatment areas.
4. Contact NRCS for assistance in field planting protocol.
5. Discussions with NRCS/PMC prior to seeding what methods will be used.

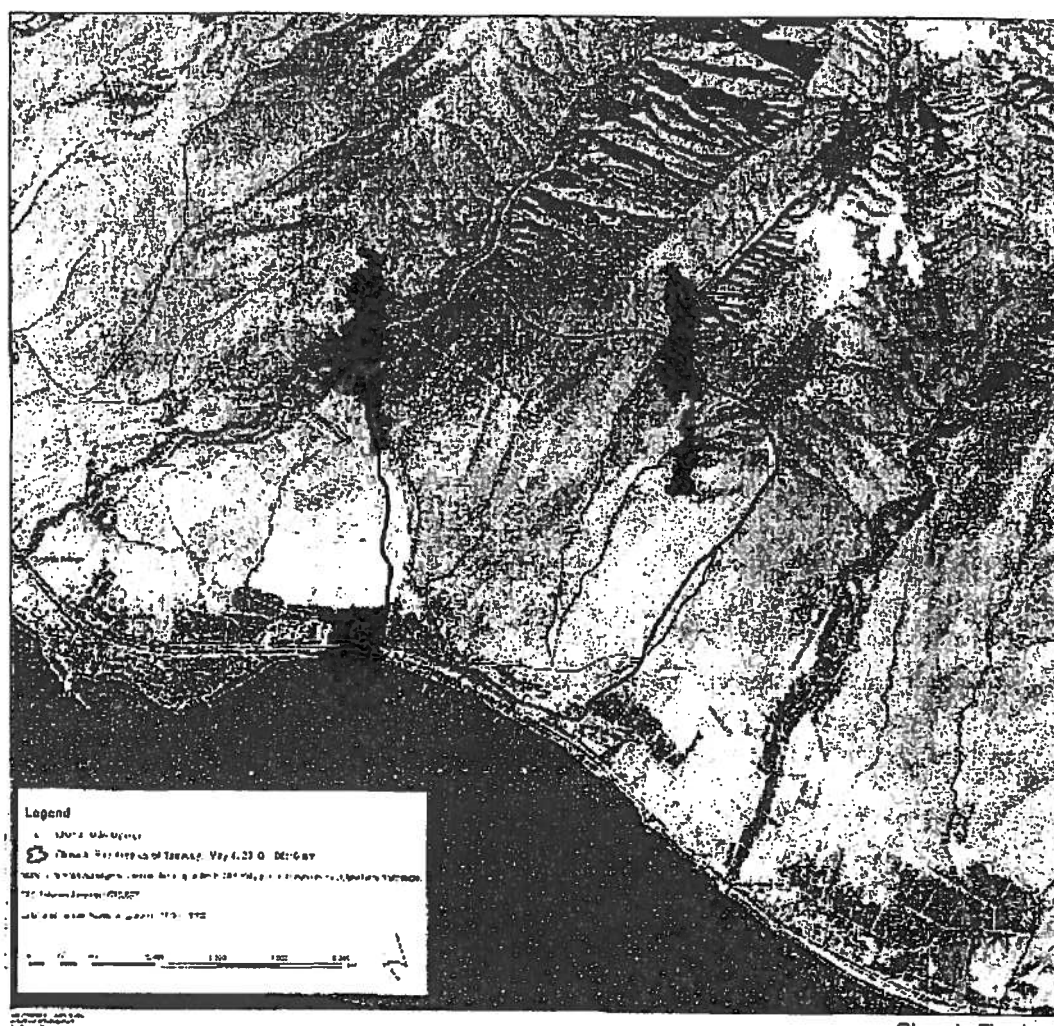
VI. 2010 Project Budget

Budget	Cost
Immediate needs 2010	
2 hrs flight time Windward Aviation	\$1650.00
Misc equipment	\$500.00
2011 Plantation Monitoring	\$200.00
2012 Plantation Monitoring	\$200.00
2013 Plantation Monitoring	\$200.00
2014 Plantation Monitoring	\$200.00
Total	\$2950.00

V. Site Information

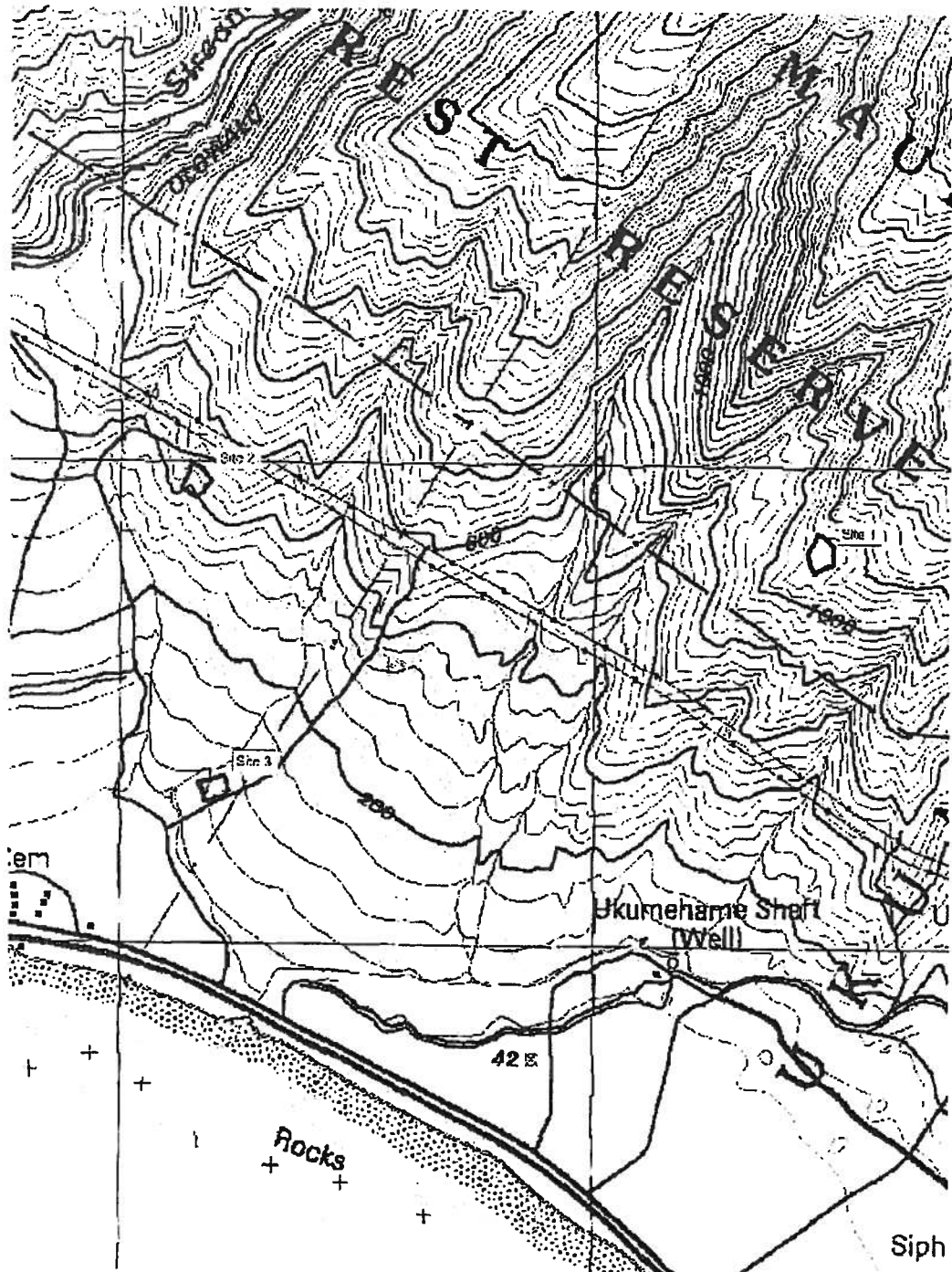
Site	Acreage	Elevation	Slope	Aspect
Site 1	.7 ac	1034 ft	0-5%	North
Site 2	1.02ac	511 ft	30%	West
Site 3	.8 ac	134	5-10 %	West

A. Koai Fire Area



Olowalu Fire Area
As of May 4, 2010 12:16 PM

B. Testing Sites





**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

August 20, 2010

EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

Project Title:	Olowalu (Koai) Fire Restoration
Project / Reference No.:	PSF #10MD-155
Project Location:	Olowalu, Maui, Hawaii (2) 4-8-003:008 Por. & (2) 4-8-001:002 Por.
Project Description:	Experiment in Post Fire Native Plant Restoration
Chap. 343 Trigger(s):	Use of State Lands
Exemption Class No. 2 and Description:	Section 6 – Re-vegetate burned areas to encourage the succession of selected plant species to prevent soil erosion and promote the goals of the Division.
Consulted Parties:	John Cumming (DOFAW Maui District Manager) and Eric Molina (DOFAW Forester II) was consulted as a source authority having jurisdiction or expertise in this matter, and concurs that the exemption identified above is applicable to and appropriate for the proposed project.
Recommendation:	It is anticipated this project will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.

Laura Thielen, Chairperson

Date